

Remarks

Because the proposed amendments to seven of the forty plus claims are minor and the scope of the claims are being narrowed, no additional search or analysis is believed to be required. Further evidence that no additional search or analysis is required can be found in the fact that three of the seven proposed claim amendments (claims 46, 54 and 70) have already been reviewed as they were submitted in an amendment that was reviewed by the Examiner before the most recent appeal brief was submitted for the above referenced application.

Statement under 37 CFR 1.111

37 CFR 1.111 requires that the basis for amendments to the claims be pointed out after consideration of the references cited or the objections made. 37 CFR 1.111 states in part that:

In amending in response to a rejection of claims in an application or patent undergoing reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections.

The Assignee notes that this requirement is not relevant to the instant application because the Examiner has allowed all the claims. Having said that, the Assignee notes that the reason claims 28 and 37 were amended was to make it more clear that the allowed claims provide the best mode for producing the claimed results for a multi entity organization that has two or more function measures or an entity from the organization domain that has two or more function measures. This limitation distinguishes these claims from the claims of most of the applications in the Assignee portfolio which are generally focused on managing various aspects of one function measure. The reason claims 46, 54 and 70 were amended was to make it clear that the disclosed methods are implemented by at least one computer (as all the other claims are). The other claims (50 and 60) were amended to correct minor clerical errors. As stated previously, because the scope of the claims are being narrowed in every case, no additional search or analysis is believed to be required.

Information Disclosure Statement

In accordance with the newly announced effort to reduce the number of disclosed references, the Assignee is making a diligent effort to reduce the number of "duplicate" reference documents and irrelevant reference documents that are submitted. Unfortunately, the Examiners for co-pending applications continue to produce document are irrelevant and/or duplicate the teachings of reference documents that have already been submitted. The Assignee has reviewed the recent office actions for U.S. Patent Applications 11/262,146, 10/746,673; 10/237,021; 10/645,099; 10/821,504; 10/743,616 and 10/012,375 and is not aware of any additional documents that need to be disclosed. Of note is the fact that the claims in application 11/262,146 are being amended and they will no longer relate to context search. This should be of no consequence because it is the Assignee's understanding that these claims were already reviewed as application 11/262,146 was incorrectly listed as a related appeal in the most recent appeal brief for the above referenced application.

The Assignee regrets any inconvenience caused by the recent disclosure of a number of documents for continuation application 11/279,104 that upon further review were found to duplicate the disclosure of previously submitted and reviewed reference documents and/or to be irrelevant to the pending claims.

Reservation of rights

The Assignee hereby explicitly reserves the right to present the previously modified and/or canceled claims for re-examination in their original format. The modification of pending claims to put the instant application in a final form for issue is not to be construed as a surrender of subject matters covered by the original claims before their modification.

Respectfully submitted,
Asset Trust, Inc.

/B.J. Bennett/

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